

Choctaw and Chickasaw Nations, in the State of Oklahoma, by private individuals and not purchased by the Indian nations shall be scheduled to those who erected such improvements, and shall be appraised independently of the surface of the land on which they are located; and if the citizens erecting such improvements fail to buy the surface of the lands on which their improvements are located at the highest bid, said improvements shall be sold with the lands at the appraised value of the land and improvements, and the citizen erecting the same shall receive out of such purchase money the appraised value of the valuable and permanent improvements erected by him on such land prior to the approval of the act authorizing the sale of the surface of the said segregated coal and asphalt lands.

Mr. OWEN. On page 1, line 7, after the word "who," I move to strike out "erected" and insert "own"; in line 10, before the word "such," I move to strike out "erecting" and insert "owning"; and, on page 2, line 3, after the word "citizen," I move to strike out "erecting" and insert "owning."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the purchase of permanent improvements on the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations by the citizens owning such improvements."

SECOND HOMESTEAD ENTRIES IN CERTAIN CASES.

The bill (S. 4580) to permit second homestead entries in certain cases was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That where any person, otherwise duly qualified to make entry of public lands under the homestead or desert-land laws, has heretofore made or may hereafter make entry under said laws, and has forfeited or abandoned the same, such person may be permitted to make another entry upon showing to the satisfaction of the Secretary of the Interior that the prior entry was made in good faith, was forfeited or abandoned use of others beyond his control, and that he has not speculated in right nor otherwise committed a fraud or attempted fraud in connection with such prior entry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the allowance of second homestead and desert entries."

THE CHEMICAL SCHEDULE.

The bill (H. R. 20182) to amend "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order on the calendar.

Mr. LODGE. Let it go over.

The PRESIDENT pro tempore. It will go over.

REGULATION OF WIRELESS TELEGRAPHY.

The bill (S. 6412) to regulate radio communication was considered as in Committee of the Whole.

The PRESIDENT pro tempore. This bill has been twice read.

Mr. BACON. I should like to hear it read again, if it is not too long.

Mr. BOURNE. It is a long bill. It is a bill which was unanimously reported by the Committee on Commerce—it is a nice bill—regulating radio telegraphy.

Mr. BACON. Wireless telegraphy?

Mr. BOURNE. Yes. It is a corollary to the treaty which the Senate ratified some two or three weeks ago. There is no objection to having the bill read if the Senator from Georgia would like to have it read.

Mr. BACON. It is a matter that has been before the Committee on Foreign Relations, so far as the treaty is concerned, and has been considerably discussed and considered in various aspects.

I should like to ask the Senator from Massachusetts [Mr. LORAN], who was active in that consideration, if he is familiar with the terms of this bill, and whether he considers it in accordance with the treaty.

Mr. LODGE. I have not examined the bill in detail, but it is a bill prepared by the Committee on Commerce and has their unanimous support, and is, I believe, in harmony with the provisions of the treaty which our committee reported. It is a long bill. I believe it to be entirely—

Mr. BACON. I do not request that it be read, but I should like to ask the Senator from Oregon to state the general features of the bill.

Mr. BOURNE. Mr. President, I will say for the information of the Senator from Georgia that this bill was referred, with other bills, to a subcommittee of the Committee on Commerce.

On the subcommittee were the Senator from Ohio [Mr. BUSTON], who is a member of the Committee on Foreign Relations; the Senator from Michigan [Mr. SMITH], the Senator from Florida [Mr. FLETCHER], the Senator from North Carolina [Mr. SIMMONS], and I.

The original bill was a departmental bill, and in the bill the provision was made for authorization of such rules and regulations as the department might wish to make in accordance with whatever the President or the Secretary of Commerce and Labor thought best. The committee thought it would be much better to have in the bill itself the exact confines of the activities of private interests. So the bill was worked out on those lines.

It specifies just exactly what private interests can and what they can not do. It fits the action of the Committee on Foreign Relations with relation to the treaty and its ratification by the Senate, and is corollary to a treaty that was passed, and it is necessary in order to carry out the treaty.

Hearings were held and all commercial interests given an opportunity to appear before the subcommittee. A day was taken therefore; the hearings are printed, and every Member of the Senate has had copies of the hearings furnished to him.

I will state the main features of the bill. The first is to secure an ascertainment, so that everybody may be cognizant of the exact number of activities that are in operation. That is provided for under the licensing features of all instruments. Second, a licensing of individual operators. It is compulsory with the Secretary of Commerce and Labor that upon application these licenses shall be issued. The third is to minimize the possibility of any interference under the present state of the art of wireless telegraphy. This is minimized by the rules and regulations embodied in the bill itself.

Under the present development of the science there are some wave lengths up to 6,000 meters. These would be equivalent to some 34 telephone lines. The Government is given the right to the exclusive use of eight of these telephone lines, in effect, which would be the wave lengths from 600 meters to 1,600 meters. Amateurs are given the right to use up to 200-meter wave lengths, and the Secretary of Commerce and Labor can, in his discretion, issue special permits to use other waves to amateurs or individuals who are studying along the line of wireless telegraphy.

Then a pure sound is provided in the bill, which is necessary in order to minimize the possibility of interference. To the commercial interests of the country are left the use of 26 telephone lines, using that term as a simile. So the restriction upon the commercial interests is not an unnecessary one to attain the object of the bill, the purpose being to prevent interference so far as it is possible to do so in the present development of the art.

Provision is made in the bill that as the art develops and improvements are made the Secretary of Commerce and Labor may extend the scope of the activities of commercial and private interests, but he can not limit them other than the limitations as they exist in the bill.

Then, a clause is contained in the bill which provides for the public receiving continuous service. The United States already has in existence, through the Navy and War Departments, a chain of stations from one coast around to the other, with the exception of two gaps held by private interests. There is a provision in the bill that in case the commercial interests fail to give service in those two gaps the Government may furnish the service during such period of failure, so that the public at large can have continuous service, making a charge for that of not more, as I remember, than \$1.50 for a certain number of words. I think that is provided for under the treaty.

Mr. BACON. I will say to the Senator and to the Senate that the reason which prompted my inquiry is this: This matter has been before the Foreign Relations Committee for several years on the question whether we would recommend to the Senate the ratification of the treaty which was proposed between all of the leading nations, including the United States, with reference to this subject, and the matter was delayed for years before the Committee on Foreign Relations, because of the fact that very large interests were involved, and also because the science was in a measure undeveloped, and we thought it best to wait.

But the fact was brought to the attention of the committee, within the recent past, that there was soon to be in London a convention of the representatives of the different powers for the purpose of formulating, as I understand, regulations which would cover very much the grounds spoken of in this bill, and it was said that if we did not ratify the treaty we would not be permitted to send a delegate to that convention. That was the main consideration which induced the Committee on Foreign

Relations to report the treaty to the Senate, and the Senate acted upon it, and the treaty was ratified.

Now, the question in my mind is whether or not this bill is in any manner an anticipation of the work which is to be done by the convention when it meets in London.

The Senator from Ohio [Mr. Burton], who belongs to each of these committees, possibly is in a position to give me the desired information somewhat more directly than one who is not upon the Foreign Relations as well as the Commerce Committee.

Mr. BURTON. Mr. President, I would state that the ratification of the treaty contemplates our attendance at the convention to be held in London in June. The delegates have already been designated, and the diplomatic and consular appropriation bill makes an appropriation for their expenses. This bill is entirely in line with the treaty. Of course it contains additional features to make it applicable to our own situation.

There are two things, I should say, in general secured by this bill. First, the carrying out of the obligations imposed upon us by the treaty or convention; second, local regulations. I will say to the Senator from Georgia that I do not think we ought to wait until after the convention in June before we pass this bill. The recent Titanic disaster emphasizes very strongly the necessity of legislation upon this subject.

In the next place, radical changes by the convention at London do not seem probable. Propositions for modifications have already been published. While I take it these do not preclude the bringing forward of other propositions at the meeting itself, so far as regards those which have been presented and published they would be quite in harmony with this bill. There might be a necessity for some amendments to the bill after the convention, but I do not anticipate that any radical changes would be required.

Mr. BACON. I will simply ask the Senator whether or not this bill covers the question of the transmission of marine messages.

Mr. BURTON. Oh, certainly.

Mr. BACON. I mean the transmission of messages from one ship to another.

Mr. BURTON. Certainly. All those grounds are covered with considerable care.

Mr. BACON. I agree with the Senator that we should have legislation on this subject as speedily as possible and I was only anxious to know whether our work was of such a character that it would have to be done over again as soon as the convention in London should have acted. Of course, under the statement made by the Senator, if there should be such regulations promulgated by that convention the amendments necessary could very readily be drafted upon the law.

Mr. BURTON. I think they could readily be made, and I believe I am correct in saying that they could be made as readily made if the groundwork afforded by this legislation should now be enacted into law.

Mr. HITCHCOCK. I should like to ask a question of the Senator from Oregon or the Senator from Ohio. Does the paragraph on page 6 requiring every station to designate a certain definite wave length and that the wave length shall not exceed 600 meters or shall exceed 1,600 meters comply with the terms of the convention?

Mr. BOURNE. Yes; I think so.

Mr. HITCHCOCK. My recollection is that that convention, which was agreed to, provided that every coastal station shall have definitely a 300-meter wave length and a 600-meter wave length. This paragraph seems to contemplate—

Mr. BOURNE. To what paragraph is the Senator referring?

Mr. HITCHCOCK. The paragraph on page 6.

Mr. BOURNE. The next paragraph?

Mr. HITCHCOCK. The paragraph reads:

First, Every station shall be required to designate a certain definite wave length as the normal sending and receiving wave length of the station. The wave length shall not exceed 600 meters or it shall exceed 1,600 meters.

Mr. BOURNE. That complies exactly with the Berlin convention.

Mr. HITCHCOCK. My recollection of the terms of the convention is that every coastal station was definitely required to maintain an apparatus for two wave lengths, one of 300 meters and the other of 600 meters, the evident purpose being that they should always be ready to receive messages sent by either of those wave lengths. But this paragraph seems to contemplate that any station can maintain a wave length anywhere from 100 to 1,600 meters.

Mr. BOURNE. If the Senator will read the bill through, he will see that provision was made in the bill that amateurs may take and use up to 200 meters.

Mr. HITCHCOCK. That does not cover the point. I think the Senator from Oregon has not understood me. If we are under treaty obligation with these other countries to maintain

regulations under which coastal stations shall always be ready to receive messages of 300 or 600 meter wave lengths, should we not provide in the bill that those coastal stations shall always be ready to receive messages of those wave lengths? Should we allow them in this bill to select any wave length they please below 600 and over 1,600 meters?

Mr. BOURNE. I am not a specialist on wireless telegraphy. My understanding from the governmental representatives, the Commissioner of Navigation, and from Lieut. Commander Todd, was to the effect that this is in actual compliance with the first regulations under the Berlin convention and that there is given to the Government the right of way between the 600-meter wave length and the 1,600-meter wave length.

Mr. HITCHCOCK. That is true, but—

Mr. BOURNE. This provision is for that special purpose.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. As the Senator from Nebraska will remember, the treaty was to limit certain wave lengths to the use of the Government. I have sent for the treaty to see whether I am right, but my remembrance of the treaty is that all was excluded between 300 and 1,600 meters.

Mr. BURTON. Mr. President, if the Senator from Massachusetts will permit me, it is required that the wave lengths should be of 300 or 600 meters. It is all set forth in the treaty.

Mr. LODGE. It is.

Mr. BURTON (reading):

Two wave lengths, one of 300 meters and the other of 600 meters, are authorized for general public service. Every coastal station opened to such service shall use one or the other of these two wave lengths.

The exclusion is 600 to 1,600 meters.

Mr. LODGE. I see.

Mr. BURTON. In a way I think the criticism of the Senator from Nebraska is well taken. However, in the granting of licenses that can very readily be taken care of, and I do not see that it is necessary to insert any provision in regard to it.

It will be noticed that the provision on page 6, to which the Senator from Nebraska has called attention, refers to every station, while the treaty refers to those public stations which are used for communication with the sea.

Mr. HITCHCOCK. If there is still power in the authority issuing the licenses to require every coastal station to maintain apparatus for a wave length of 300 meters and also for a 600-meter wave length, then my suggestion is not of any importance, but if there is no provision for that power in the licensing authority, then I think this paragraph ought to be broadened, because we are certainly under an international obligation to constantly maintain at these coastal stations apparatus ready to receive a 300-meter wave length message and a 600-meter wave length message.

Mr. BOURNE. You would be bound by that, anyhow.

Mr. HITCHCOCK. Yes; we would be bound by it, it is true. If we are bound by it, our legislation ought to provide that the coastal station should be ready.

Mr. BOURNE. I will say, for the information of the Senator from Nebraska, that in the issuance of licenses the Secretary of Commerce and Labor will give that information, so that they will know exactly what wave lengths each instrument is using or each agency has.

Mr. HITCHCOCK. If the licensing power has the authority to make that condition, I think that will be sufficient.

Mr. MARTINE of New Jersey. Mr. President, I should like to say, in reference to this matter, that I have received very many protests against a measure that should tend to blot out, so to speak, independent wireless telegraphy. I wish to ask the Senator who has the measure in charge whether it will prevent the independent use of wireless telegraphy?

Mr. BOURNE. I will state for the information of the Senator from New Jersey that as far as possible provisions are made in the bill to give the widest possible activity to the independent or commercial instruments. They have all had opportunities of being heard, and all their objections were taken into consideration by the committee drawing the bill. The main purpose of the bill is to minimize the possibilities of interference and increase the efficiency of the service, which is for the general benefit of everybody, the commercial interests as well as the general welfare of the public itself.

Mr. MARTINE of New Jersey. That is all encompassed in the bill?

Mr. BOURNE. As far as possible, up to the present development of the art of wireless telegraphy.

The PRESIDENT pro tempore. If there is no amendment to be offered as in Committee of the Whole, the bill will be reported to the Senate.

Mr. ROOT. Mr. President, I think it would be advisable to have a clause added to give effect to what the Senator from Nebraska has suggested, and I was engaged in drafting one, if I can be indulged for a moment.

Mr. BURTON. Mr. President, I think I can suggest phraseology. It is to add at the end of line 11:

And every coastal station opened for general public service shall have an available wave length either of 300 or 600 meters.

I do not think that is entirely necessary, but it makes it more clear that the terms of the convention are complied with.

Mr. HITCHCOCK. It seems to me if the coastal station is required to have a 300-meter wave length, it should also be required to have apparatus for a 600-meter wave length.

Mr. ROOT. I will put it in this shape, and I will ask the Senator's attention to it. It is to add the words of the treaty:

Every coastal station shall be limited to two wave lengths for general public service, one of 300 and the other of 600 meters.

Mr. LODGE. Those are the words of the treaty.

Mr. BURTON. Mr. President, just one suggestion. It is to say "use" rather than "be limited to."

Mr. HITCHCOCK. I think that correction is proper. It seems to me that every coastal station should be required to have apparatus for a 300 and a 600 meter wave length to comply with the treaty. Then, in addition to that, it can have anything above 1,600, but the requirement should be for 300 and for 600 meter wave lengths.

Mr. ROOT. I propose to add the very words of the treaty regulation:

Two wave lengths—one of 300 meters and the other of 600 meters—are authorized for general public service. Every coastal station opened to such service shall use one or the other of these two wave lengths.

Mr. BOURNE. I should like to ask the Senator from New York if his proposed amendment were adopted whether it would not restrict the activity of the coastal station? They would be limited to the exclusive use, then, of those two wave lengths of 300 and 600 meters. As I understand the science as at present developed, they have 6,000-meter wave lengths, and the length of the wave is one of the important factors as to the area of the zone of activity. It seems to me that the Senator would prevent the accomplishment of what he seeks by the limitation he would place upon it.

Mr. HITCHCOCK. I think the Senator from Oregon misunderstands the situation. The treaty requires every coastal station to be ready at all times to receive any message that is sent either on a 300-meter wave length or a 600-meter wave length. We have to carry out that treaty, and we should require all coastal stations to be equipped to do that. That will not prevent them, however, from having apparatus also capable of receiving a 400-meter or a 500-meter or a 1,700-meter wave length. It simply requires that they shall at least be ready to receive a 300 or a 600 meter wave length, so as to be able to take what may come in from the ocean.

The PRESIDENT pro tempore. Will the Senator from New York send his amendment to the desk?

Mr. FLETCHER. Mr. President, the bill provides that this wave length shall not exceed 600 meters. It may be less—it may be 300 meters or 400 meters or 500 meters—but the provision is that it shall not exceed 600 meters or it shall exceed 1,600 meters. It seems to me it leaves the field wide open for the provision of the convention and does not interfere at all with it.

Mr. LODGE. This is to compel them to have an apparatus which shall take either a 300 or a 1,600 wave length. It will not confine them to other lengths, as I understand it.

Mr. SHIVELY. It is not a limitation; it is a requirement.

Mr. LODGE. It is not a limitation; it only requires them to have certain lengths available.

Mr. BOURNE. I understand the purpose would be to have the receiving instruments so attuned that they would receive at any time a wave length of 300 meters or a wave length of 600 meters. If the suggested amendment of the Senator from New York can be read, I am perfectly willing to accept it, if it does not militate against the purpose of the bill.

Mr. LODGE. I think the amendment of the Senator from New York is in the nature of a limitation. It seems to me that what we want to do is to make sure that we shall be able to have wave lengths of 300 and 600 meters, and they may use any others that they want as the bill provides.

Mr. BURTON. I think I can suggest an amendment that will make it perfectly clear. If the Senator from New York will allow me. It is to add at the end of section 11 the following words:

Every coastal station opened to general public service shall be authorized to use two wave lengths, one of 300 meters and the other of 600 meters, and all such stations shall use one or the other of these two wave lengths.

That is the language of the treaty. The objection that I find to the amendment as proposed by the Senator from New York is that it creates a restriction, which is not intended, I think, by the convention.

Mr. BACON. I think the suggestion of the Senator from Ohio would be construed to be a restriction.

The PRESIDENT pro tempore. Does the Senator from Ohio offer his amendment?

Mr. SHIVELY. It seems to me the language employed by the Senator from Ohio would not be a requirement.

Mr. BURTON. Every such station, or all such stations, shall use one or the other of these two wave lengths. That makes it compulsory. They have the option between the two.

Mr. BACON. Would not that be exclusive of anything else?

Mr. BURTON. The language I have suggested is the language of the convention.

Mr. BACON. It is not the purpose, I understand, to limit it.

Mr. BURTON. I do not think it is exclusive. I suggested a few minutes ago the words "shall be available," but I think it better to follow the exact language of the convention—"shall use."

Mr. BACON. As I understand the purpose of the treaty, it is to require them to have those two wave lengths, but not to prohibit them from having others if they wish.

Mr. ROOT. The language of the convention regulation contains a specific reservation of authority, and if we are not going to conform exactly to the general provisions as to wave lengths, we ought not to enlarge the powers of the stations that follow that reservation. The treaty regulation is first the general proposition:

Two wave lengths, one of 300 meters and the other of 600 meters, are authorized for general public service. Every coastal station opened to such service shall use one or the other of these two wave lengths. During the whole time that the station is open to service it shall be in a condition to receive calls according to its wave length, and no other wave length shall be used by it than the service of general public correspondence.

Then comes in a reservation of authority for each of the treaty powers, and that is as follows:

Each Government may, however, authorize in coastal stations the employment of other wave lengths designed to insure long-range service or any service other than for general public correspondence established in conformity with the provisions of the convention, provided such wave lengths do not exceed 600 meters or that they do exceed 1,600 meters.

I am afraid that none of the language we have suggested here quite meets that regulation.

Mr. LODGE. If I may make a suggestion as to an amendment, why is it not simple to make it read:

That all coastal stations shall be required to conform to the provisions of the Berlin convention.

Mr. BOURNE. I will accept that.

Mr. HITCHCOCK. I have drawn an amendment which embodies that idea, which I should like to submit:

Every coastal station opened to general public service shall at all times be ready to receive messages of such wave lengths as are required by the convention.

Mr. ROOT. The convention requires us to make regulations which will exclude them from doing it. They not only must be ready to receive messages upon those wave lengths, but they are prohibited from using other wave lengths except under the specific conditions which are stated.

Mr. HITCHCOCK. That is already provided for in section 12. That is the section which prohibits them from using anything between 600 and 1,600 meters of wave length and allows them to use everything below and above. So this will simply require them to conform to the terms of the convention. I send my amendment to the desk and ask that it be read.

Mr. LODGE. I think that my proposition is rather a simpler one, requiring the postal stations to conform to the provisions of the Berlin convention.

Mr. BACON. As I understand the provision in the treaty read by the Senator from New York, it is simply an agreement that we may authorize the use of certain wave lengths, and that would not be covered by such a provision as the one suggested by the Senator from Massachusetts. It would require something affirmative.

Mr. LODGE. Then the amendment suggested by the Senator from Nebraska [Mr. HITCHCOCK] would be more complete.

Mr. HITCHCOCK. I ask to have my amendment read.

The PRESIDENT pro tempore. The Senator from Nebraska submits an amendment, which will be read.

The SECRETARY. On page 6, line 11, after the word "meters," insert:

Every coastal station opened to general public service shall at all times be ready to receive messages of such wave lengths as are required by the Berlin Convention.

Mr. BACON. That still does not relate to a wave length other than the two mentioned.

Mr. HITCHCOCK. They are already provided for.
 Mr. LODGE. They are already provided for in the bill.
 Mr. RAYMON. This is the provision in the bill authorizing above 1,000 meters?

Mr. LODGE. They are excluded between 600 and 1,000 meters by the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. BURTON. I ask that it may be read again.
 The Secretary again read Mr. Hitchcock's amendment.

The amendment was agreed to.
 The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. OLIVER. Mr. President, before the bill is finally passed I wish to say that the statement that it comes with the unanimous recommendation of all the members of the Committee on Commerce is not altogether correct. I, as a member of the committee, reserved the right to oppose certain parts of the measure, and my opposition has been rather intensified than otherwise since then. However, I recognize that when the treaty was up I had the same argument to offer in opposition to it, and I did not succeed very well. I am not very fond of butting my head against a stone wall, so I will not urge the objections I urged then.

I only want it understood that I think this is, on the whole, an unwise piece of legislation; and that, if I had the say so, I should strenuously oppose it and vote against it, but I do not propose to urge my objection at this time.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CRITTENDEN STREET NW., DISTRICT OF COLUMBIA.

The bill (S. 6156) to direct that Crittenden Street NW., between Iowa Avenue and Seventeenth Street NW., be stricken from the plan of the permanent system of highways for the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETRIAL OF MILITARY ACADEMY CADETS

The joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 13, 1911, tried Ralph I. Sasse, Elliott H. Freeland, Tattall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, was announced as next in order.

Mr. CURTIS. Mr. President, I understood that when this bill came up a certain other cadet was to be included. I have not his name at the time, and I should be glad therefore, to have this bill go over until I can be prepared to offer the amendment.

Mr. DU PONT. The Senator from Kansas will allow me, this bill refers solely and only to four cadets who were tried by a certain military tribunal which was convened on the 16th day of August, 1911. The cadet to whom the Senator from Kansas refers could not be included in this bill because he was not tried by that tribunal.

Mr. CURTIS. Do I understand that this bill does not apply to cadets who were dismissed?

Mr. DU PONT. It does not apply to the cadet to whom the Senator refers.

Mr. CURTIS. Very well; I withdraw my request.

Mr. ROOT. May I ask whether any report accompanies the bill?

Mr. DU PONT. I will say to the Senator from New York that no formal report has been made to accompany the bill, but I stand ready to explain it if the Senator from New York or any other Senator should so desire.

Mr. ROOT. I should be very glad to hear some explanation of it.

Mr. DU PONT. This bill authorizes the court-martial which tried four cadets to reconvene for a reconsideration of the sentence. The sentence was imposed under the former regulations of the Academy, which were changed on the 15th of June last, but which had not been superseded by the new regulations, so far as their promulgation was concerned, until the 1st of September, as a certain period of time was necessary for the printing of the new regulations and forwarding them to the Academy.

The old regulations provided that any cadet who was shown to have used any alcoholic stimulant—a glass of beer, for instance—should be dismissed, no distinction being made between the case of a man who went off and became disgracefully drunk and disorderly and a man who merely drank a glass of beer; in other words, the West Point code in this respect was a Draconian law, which was also the case so far as it related

to several other particulars, one of which was hazing; but Congress changed the regulations in regard to this two years ago, since which time there has been no difficulty.

In this particular case four cadets were tried on evidence which was furnished by themselves under compulsion. They were ordered to answer certain questions implicating themselves. The offenses themselves were not of a serious character. There was no drunkenness involved, no disorder, and no disgraceful conduct of any kind. It was simply and plainly a violation of the rules of the Academy as set forth in the old regulations, which would not necessarily have involved dismissal under the new and amended regulations.

When the matter was referred to the President he was satisfied that an injustice had been done, particularly so, as the members of the court, upon being appealed to, reported that they understood they were bound by the text of the former regulations.

Upon these grounds, therefore, this joint resolution has been prepared. It was drawn up by the Judge Advocate General of the Army; it is believed to be of a legal character, and calculated to render substantial justice to the parties concerned.

Mr. CURTIS. Mr. President, I have been listening to the statement of the chairman of the committee, and I believe that he states a case that includes the young man to whom I have referred. That being true, I ask that the bill go over.

Mr. SWANSON. I move that the Senate proceed to the consideration of the bill just objected to by the Senator from Kansas.

Mr. BRISTOW. That would be a violation of the unanimous-consent agreement, would it not?

Mr. SWANSON. I do not think there is any unanimous-consent agreement except to take up bills on the calendar under Rule VIII.

The PRESIDENT pro tempore. The Senator is mistaken about that. The unanimous-consent agreement was—

Mr. SWANSON. I should like to have read the terms of the agreement. I was present when it was entered into, and I did not understand that it was—

The PRESIDENT pro tempore. The Senator did not permit the Chair to conclude his sentence. As the Chair understands, the unanimous-consent agreement was that the Senate should proceed to the consideration of unobjected cases on the calendar.

Mr. SWANSON. I was present when the request was made, but I did not understand it to include merely unobjected cases.

Mr. ROOT. We have been on the calendar twice to-day.

Mr. SWANSON. I was here the second time the calendar was taken up, and I think the agreement did not include the stipulation that none but unobjected bills should be considered. The request was simply that the Senate proceed to consider bills on the calendar under Rule VIII. I should like, in this connection, Mr. President—

Mr. BRISTOW. Mr. President, I desire to state that other bills have been passed over which Senators would have been glad to have taken up, but they were passed over because they would create discussion.

Mr. SWANSON. I should like to ask the Senator from Kansas to withdraw his objection to the consideration of this bill. It is very important for these young men, if they are to go back to the academy, that action should be taken quickly. I should like to say that the department favors the bill. These young men were tried for an offense, the penalty for which at the time it was committed was expulsion; but the War Department decided that the regulations were entirely too harsh, and they were modified. If the same offense were to be committed at the academy now there would be no such penalty imposed. When the cases of these young men were tried the court-martial understood that they had no discretion except to expel the four cadets. It was so stated by the commandant at the academy. The old regulations have been modified, and all that this bill does is to reconvene the court-martial and give them the privilege of rehearing these cases, subject to the regulations that should have governed at the time of the trial. As I understand, the members of the court-martial insisted at the time of the trial that they should apply the regulations that were in force at the time the offense was committed.

Mr. BORAH. Regular order, Mr. President.

Mr. SWANSON. As I understand, if they had applied the regulations existing at the time of the trial the cadets would not have been expelled.

Mr. BORAH. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The Secretary will state the next bill on the calendar.

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The joint resolution (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and